IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 4324 OF 2006

Mr. Ramesh D. Gaikwad. ... Applicant.

V/s.

The State of Maharashtra & Ors. ... Respondents.

Mr. P.L. Sapkale for the Applicant.

Mr. S.S. Pednekar, APP for the State.

Mr. R.D. Suryawanshi for Original Complainant.

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CORAM : S.C. DHARMADHIKARI,J.

14TH DECEMBER 2006.

P.C. :

1. The Applicant has been arrested in connection with C.R.No.122/2005 registered by Vithalwadi Police Station. He is the original accused no.8 in Sessions Case No.49/2006.

2. The learned advocate appearing for the Applicant firstly states that the Applicant applied for bail before the Trial Court but it was not pressed. Subsequently, the co-accused whose bail application was rejected approached this Court and he has been enlarged on bail. There are other co-accused as well who are enlarged on bail. He invites my attention to orders pertaining to co-accused. He submits that his case is identical to that of co-accused Sandeep B. Mhatre.

3. Mr. Suryawanshi and the learned A.P.P. submits that the Applicant has by passed the Trial Court once the application for bail preferred in the Trial Court was not pressed and dismissed as such, then it is the plain duty of the learned Advocate for the Applicant to approach the Trial Court and point out the changed circumstances, if any. In my view, no useful purpose will be served by relegating the Applicant back to the Trial Court once it is clear that his case is on par with the co-accused Sandeep.

4. Hence, for the reasons identical to the case of co-accused Sandeep, he is also enlarged on bail. Hence, the following order :-

(i) The applicant shall be enlarged on bail in connection with C.R.No.1-122/2005 of Vithalwadi Police Station, District Thane, in the sum of Rs.10,000/- with one or two sureties in the like amount.

(ii) The applicant upon his released shall reside in Raigad District and more particularly in Panvel City. He shall report to the Panvel City Police Station once in a week till the conclusion of the trial.

(iii) Bail is granted subject to condition that the applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and

shall not in any manner tamper with prosecution evidence.

(iv) The applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the applicant to delay the trial may be a ground for cancellation of bail.

(v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case and shall not influence the trial Court at the time of trial.

(vi) This order does not prevent the applicant from attending the court at Thane where the sessions case is pending.

(Vii) Application is disposed of in above terms.

(S.C. Dharmadhikari,J.)